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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,102

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BUXTON

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WASHINGTON DC 20001

LM02/1206

EXAMINER

MARC COLEMAN, M

ART UNIT

PAPER NUMBER

2774

DATE MAILED:

12/06/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/941,102

Applicant(s)

Buxton et al.

Examiner

Marthe Marc-coleman

Group Art Unit

2774



☒ Responsive to communication(s) filed on Sep 30, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This office action is responsive to applicant's amendment filed on 09/27/99.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10, 11, 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lucente et al. (U.S. Patent No. 5,566,098).

In regard to claims 1, 10, 16, 17, 19, 20, and 21, Lucente et al. disclose:

- a flat panel display for a computer comprising a screen display for displaying text, data and graphic information (see col. 4 line 1-3; col. 11 lines 61-64; and Fig. 2);
- a plurality of sensors for sensing spatial orientation (see col. 14 lines 5-16);
- a central processing unit (CPU) for executing instructions and manipulating data. A flat panel display in circuit communication with the CPU for displaying a visual image corresponding to a set of data. The flat panel display capable of displaying the visual image in at least two orientations (see col. 12 lines 36-41, Figs. 14, 15);

In regard to claim 2, Lucente et al. disclose means for rotating the display panel (see col. 5 lines 61-67 and col. 6 lines 1-3).

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In regard to claims 3 and 4, Lucente et al. disclose image on the display aligned with spatial orientation or relative to spatial orientation (see col. 6 lines 41-46).

In regard to claim 5, Lucente et al. disclose that information can be inputted directly onto the screen using a stylus or finger (see col. 10 lines 38-40).

In regard to claims 6 and 13, Lucente et al. disclose that is within the scope of the invention to provide a switch mounted within the housing of the computer. Such a switch could be e.g., a mercury switch having a ring-shape frame with four recesses. As the orientation of the computer changed, the mercury flows into a particular recess in the frame and outputs a position signal. The position signal indicates the orientation of the computer so that the display can be aligned appropriately (see col. 7 lines 5-13).

- a signal path data for connecting the screen display to the computer for communication of the text, data and graphic information which is at least temporary stored in the computer and displayed on the screen display in one or a plurality of orientations relative to the orientation of the screen display (see col. 11 lines 65-67 and col. 12 lines 1-3).

In regard to claims 7 and 18, Lucente et al. disclose a view point of an image changes as the display changes orientation (see Figs. 1, and 2).

In regard to claim 8, Lucente et al. disclose:

- a flat panel display for a computer comprising a screen display for displaying text, data and graphic information (see col. 4 line 1-3; col. 11 lines 61-64; and Fig. 2);
- means for rotating the display panel (see col. 5 lines 61-67 and col. 6 lines 1-3).

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- a plurality of sensors for sensing spatial orientation (see col. 14 lines 5-16);
- information can be inputted directly onto the screen using a stylus or finger (see col. 10 lines 38-40);
- a central processing unit (CPU) for executing instructions and manipulating data. A flat panel display in circuit communication with the CPU for displaying a visual image corresponding to a set of data. The flat panel display capable of displaying the visual image in at least two orientations (see col. 12 lines 36-41, Figs. 14, 15).

In regard to claim 11, Lucente et al. disclose:

- a flat panel display capable of displaying the visual image in at least two orientations (see col. 12 lines 36-41).
- a housing 10 encloses electronics and/or software which enable the computer to provide application software programs such as wordprocessing and spreadsheet tasks, and to display text, data and graphic information on the flat display panel (see col. 4 lines 62-67 and col. 5 line 1). A digitized screen has an electromagnetic digitizer 37 controlled by digital control logic 38, although a touch overlay digitizer screen could be also be used . Software-based prompts and graphics can facilitate the information input on the screen (see col. 5 lines 47-57).

In regard to claims 14 and 15, Lucente et al. disclose image on the display aligned with spatial orientation or relative to spatial orientation (see col. 6 lines 41-46).

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al. (U.S. Patent No. 5,329,289).

In regard to claim 9, Sakamoto et al. disclose a monitor which allow a work image to change orientation while interface elements remain in a fixed orientation (see Figs. 6 and 7).

In regard to claim 10, Sakamoto et al. disclose:

- a monitor which allow a work image to change orientation while interface elements remain in a fixed orientation (see Figs. 6 and 7);
- sensing means to detect the direction of the display unit and adapt the display image to the continuous orientation change (see Fig. 13).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucente et al (U.S. Patent No. 5,566,098 in view of Sakamoto et al. (U.S. Patent No. 5,329,289).

In regard to claim 12, Lucente et al. disclose:

- a plurality of sensors for sensing spatial orientation (see col. 14 lines 5-16);

Lucente et al. do not specifically disclose changing a visual orientation of user interface element on the display.

Sakamoto et al. disclose:

- changing visual orientation of user interface element on the display relative to the display as the spatial orientation changes (see Figs. 6, and 7).

At the time of the invention, it would have been obvious to one skilled in the art to utilize Sakamoto et al.'s data processor rotatable display with Lucente et al.'s rotatable pen-based computer because it would prevent erroneous operation caused by changing the direction of the display unit, and correct onscreen layout (see Sakamoto et al. Col. 9 lines 53-56).

Response to Argument

8. Applicant's arguments filed on September 27, 1999 have been considered but are not persuasive. Applicant argues that his invention distinguish over the prior art because it designed to decouple the use orientation from the spacial orientation of the display and of the image being

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displayed. Examiner disagrees. Lucente et al. disclose that the monitor can rotate while the menu or information on the display is oriented to the user orientation (see abstract).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc-Coleman Marthe whose telephone number is (703) 305-4970. The examiner can be reached from Monday through Friday 6:30AM to 3:00PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached at (703) 305-4709.

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Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Group Receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to :

Commissioner of Patents and Trademarks

Washington, D. C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

OR :

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington. VA., Sixth Floor (Receptionist).

Patent Examiner
MYM
Marc-Coleman Marthe

November 23, 1999



**RICHARD A. HJERPE
SUPERVISORY PATENT EXAMINER
GROUP 2700**